

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0551-0032

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
☒ DUPLICATE

| | | |
|--|---|-------------------------|
| Address to: Assistant Commissioner for Patents Box CPA Washington, DC 20231 | Attorney Docket No. <i>of Prior Application</i> | CJ-0776QK |
| | First Named Inventor | Nagabhushan |
| | Examiner Name | Baker, Ann Marie |
| | Group Art Unit | 1632 |
| | Express Mail Label No. | |

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09 / 353,423, filed on July 15, 1999, entitled Methods and Compositions For Delivery of Interferon...

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C+P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

(Page 1 of 2)

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PTO/SB/29A (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

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1. ADDRESS

Applicant's Mailing Address for this receipt must be
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Richard B. Murphy
Canji, Inc.
3525 John Hopkins Court
San Diego, CA 92121

**RECEIPT
FOR
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CPA**

(To accompany a request for
a Continued Prosecution Application (CPA)
under 37 CFR 1.53(d)
filed by facsimile transmission)

NOTE: By this receipt, the USPTO (a) acknowledges that a request for a CPA was filed by facsimile transmission on the date stamped below by the USPTO and (b) verifies only that the application number provided by the applicant on this receipt is the same as the application number provided on the accompanying request for a CPA. This receipt CANNOT be used to acknowledge receipt of any paper(s) other than the request for a CPA.

2. APPLICATION IDENTIFICATION:

(Provide at least enough information to identify the application)

a. For prior application

Application No.: 09/353,423
Filing Date: July 15, 1999
Title: Methods and Compositions For Delivery of Interferon-
alpha Nucleic Acids
Attorney Docket No.: CJ-0776QK
First Named Inventor: Nagabhushan

b. For instant CPA application

New Attorney Docket No.: CJ-0776QK
(If applicable)

The USPTO date stamp, which appears in the box to the right, is an acknowledgement by the USPTO of receipt of a request for a CPA filed by facsimile transmission on the date indicated below.

(THIS AREA FOR PTO DATE STAMP USE)

USPTO HANDLING INSTRUCTIONS:

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PATENT#11C
Dla
2/5/02**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*****In re the Application of:***

Applicant(s) : Nagabhushan, *et al.*
Title : Methods and Compositions for
Delivery of Interferon Alpha
Nucleic Acids
Serial No. :
Filed :
Docket No. : CJ-0776QK

Examiner: Anne-Marie Baker (parent)

Group Art Unit: 1632

Preliminary Amendment

Assistant Commissioner for Patents
Washington, D.C. 20231
Dear Sir:

This Preliminary Amendment is to be entered prior to the calculation of the Filing Fee and examination of the Continued Prosecution Application filed herewith.

AMENDMENT

Applicants respectfully request that the following amendments to the claims be entered prior to examination of the present Continuing Prosecution Application.

In the Claims:

Please amend claim 1 as follows:

C1
1. A method for ~~treating a patient in suffering from a disease amenable to treatment~~ by of expressing an interferon-alpha polypeptide in a cell by ~~administering~~ contacting said cell ~~with into a tissue of interest of said patient~~ a recombinant viral vector comprising a nucleic acid segment encoding an interferon α polypeptide lacking a secretion leader sequence, the nucleic acid segment being operatively linked to a promoter having specificity for the tissue of interest, wherein the interferon α polypeptide is expressed in active form in the cell ~~tissue of interest in the patient.~~

Please cancel claim 6.